
PURPOSE

To ensure appropriate response, proper documentation and data collection for serious events that occur at the facility.

DEFINITIONS***Serious Injury***

Any significant impairment of the physical condition of the youth as determined by qualified medical personnel. This includes, but is not limited to, burns, lacerations, bone fractures, substantial hematoma and injuries to internal organs, whether self-inflicted or inflicted by someone else. MCL 722.112b(1)(k).

See [JRG, JJ Residential Glossary](#).

**RESPONSIBLE
STAFF**

All facility employees.

**REQUIRED
INCIDENT REPORTS**

Incident reports augment facility logs by providing additional information and data which can be stored, reviewed, and processed into reports used for analysis and decision-making.

The facility director and designee(s) must develop and implement a written procedure relative to incident reporting. The procedure must contain the following requirements that are outlined in this policy item.

Staff must immediately inform a supervisor of any of the incidents listed below. An incident report must be completed and approved in MiSACWIS. Licensing Rules (Mich Admin Code, R 400.4150) and contract language requires incident reports for, but not limited to:

- Death. See [SRM 172, Child/Ward Death Alert Procedures and Timeframes](#) for detailed reporting requirements.
- Suicide.
- Attempted Suicide.
- Serious injury.

- Illness requiring inpatient hospitalization.
- Behavior resulting in contact with law enforcement.
- Corporal punishment.
- Physical/personal restraint.
- Seclusion.
- Absent without legal permission (AWOLP).
- Mechanical restraint.
- Sexual assault, attempted sexual assault, or sexual harassment.

Facility standard operating procedures must indicate if incidents that occur at the facility, other than the ones indicated above, require an incident report.

CONTENT AND TIMEFRAMES

The incident report is a factual recount of observed events and behaviors involving youths, staff, volunteers, and visitors (as applicable).

Facility staff must complete an incident report. Mich Admin Code, R 400.4159(6)(c). MiSACWIS will require the following:

- Incident type (such as, personal restraint or seclusion).
- Location of incident.
- The date and day of the week the incident occurred.
- Whether or not behavior of youth resulted in contact with law enforcement.
- Whether or not the facility contracts with or receives payment from a community mental health services program or prepaid inpatient health plan for the care, treatment, maintenance and supervision of a minor child. MCL 722.112b(2).
- Description of incident.
- Staff involved in incident (including witness or supportive staff).

- Youth involved in incident (including perpetrator, victim or witness).
- Incident factors.

Personal Restraint Reports

Facility staff must document the use of personal restraint along with justification for its use in the youth's case file. MCL 722.112e(4). The incident report must be completed by the end of the shift in which the personal restraint occurred. MCL 722.112e(4). The incident report must be documented in MiSACWIS. See [JRM 510, Reporting Unusual Incidents](#), *Restraint and Seclusion Notifications* section, for detailed requirements on required notifications after a restraint.

MCL 722.112e(4)(a)-(b) & (d)-(e), requires the following to be documented:

- Each order of personal restraint.
- Staff who initiated and/or were involved in the personal restraint.
- Time the personal restraint began and ended.
- Description of the situation that resulted in the use of the restraint.

See *Content & Timeframes* section of this policy for more information that must be included in the incident report.

Mechanical Restraint Reports

Mich Admin Code, R 400.4159(13)(a)-(g) requires that when a mechanical restraint is used, the incident report must include:

- Youth's name.
- Name of the facility director or designee who authorized the use of the equipment and the time of the authorization.
- Time the restraint equipment was applied.
- Name of the staff who was responsible for application.

- Description of the specific behavior that preceded the use of mechanical restraint.
- Name of staff who was continuously with the youth.
- Date and time of removal of the equipment and the name of the staff removing the equipment.

Note: In cases where the type of mechanical restraint(s) used or application location changes, the incident report must clearly document the change and the names of the staff removing and re-applying the restraints. The incident report must be completed in MiSACWIS. See [JRM 510, Reporting Unusual Incidents](#) for detailed requirements on required notifications after a restraint

See *Content & Timeframes* section of this policy for more information that must be included in the incident report.

Seclusion Reports

When a youth is isolated or secluded, facility staff must complete a seclusion room log and an incident report in MiSACWIS detailing the reasons for the use of seclusion. See [JRM 630, Seclusion, Documentation](#) section for more information on completing a seclusion log.

MCL 722.112e(4)(a)-(e), requires the following to be documented:

- Each order for seclusion.
- The time seclusion began and ended.
- The time and results of the one hour assessment.
- Description of the situation that resulted in the use of seclusion.
- The name of staff involved in the seclusion.

Facility staff must document the use of seclusion along with justification for its use in the youth's case file. MCL 722.112e(4). The incident report must be completed by the end of the shift in which the seclusion occurred. MCL 722.112e(4). The incident report must be documented in MiSACWIS. See [JRM 510, Reporting Unusual Incidents](#) for detailed requirements on required notification after a restraint.

See *Content & Timeframes* section of this policy for more information that must be included in the incident report.

Supervisor Approval

Submit the incident report to a supervisor in MiSACWIS. The incident report is a factual recount of observed events and behaviors involving youths, staff, volunteers, and visitors (as applicable).

The supervisor must:

- Review the incident report for completeness, clarity and accuracy.
- Distribute copies of the incident report to appropriate facility staff (for example, medical, security or education staff) as directed by the facility written procedure.
- Ensure the incident report is entered into MiSACWIS within 72 hours of the incident.

Note: Appropriate entry of incident reports into MiSACWIS includes steps to ensure a complete, accurate, and unduplicated set of incident report information is entered for each incident that occurs.

Debriefing

Debriefing of each incident shall occur as outlined in [JRM 530A, Incident Review](#).

PRISON RAPE ELIMINATION ACT (PREA) INCIDENTS Allegations of Youth-on-Youth Sexual Abuse Beyond Sexual Touching Through the Clothing

For allegations, reports or suspicions of youth-on-youth sexual abuse that involved sexual contact beyond sexual touching through the clothing, staff must notify Centralized Intake and report the incident or allegation.

Facility staff must complete and submit an incident report in MiSACWIS and complete the DHS-3200, Report of Actual or Suspected Child Abuse or Neglect or report online to Centralized Intake, within 72 hours of becoming aware of the incident.

**Allegations of
Youth-on-Youth
Non-Penetrative
Sexual Touching
or Sexual
Harassment.**

For allegations, reports, or suspicions of youth-on-youth non-penetrative sexual touching through the clothing or youth-on-youth sexual harassment, staff must complete an incident report in MiSACWIS by the end of the shift.

**Allegations of
Staff-on-Youth
Sexual Activity or
Sexual
Harassment of Any
Type.**

See [JRM 512, Suspected Abuse & Neglect](#) for more information on reporting requirements.

Records of allegations will be kept for as long as an employee is employed at the facility or the youth is a resident, plus five years.

**SUSPECTED ABUSE
& NEGLECT**

Make an immediate report of suspected or alleged staff abuse or neglect of a youth to the facility director or designee. See [JRM 512, Suspected Abuse & Neglect](#) for centralized intake reporting requirements and [JRM 560, Sexual Abuse Response and Prevention](#), if the suspected abuse is related to sexual harassment or abuse.

INCIDENT REVIEW

All restraint, seclusion and PREA incidents reported within the facility must be reviewed; see [JRM 530A, Incident Review](#) for more information.

LEGAL BASE**Federal****Prison Rape Elimination Act, Juvenile Facility Standards, 28 CFR 115.351-115.354.**

Provides reporting requirements of sexual abuse and harassment.

State**Child Care Organization Act, 1973 PA 116, MCL 722.112b(1)(k).**

Provides the definition for serious injury.

Child Care Organization Act, 1973 PA 116, MCL 722.112e(4).

Requires the incident report to be completed by the end of the shift in which the personal restraint or seclusion occurred.

Child Care Organization Act, 1973 PA 116, MCL 722.112e(10)-(13).

Requires facility staff to conduct a debriefing with the youth 24 hours after the use of personal restraint or seclusion. Requires facility staff and appropriate supervisory and administrative staff to conduct a debriefing to discuss circumstances resulting in the use of personal restraint or seclusion. Requires both debriefing sessions to be documented in the youth's case file.

Child Care Organization Act, 1973 PA 116, MCL 722.112e(15)(a)-(g).

Requires facility staff to maintain a record of each incident of personal restraint or seclusion and what, at a minimum, the record should include.

**Michigan
Administrative
Code****Mich Admin Code, R 400.4150.**

Provides requirements on who must be contacted when a youth's behavior results in contact with law enforcement, is believed to be absent without legal permission (AWOLP), seriously injured or hospitalized due to a serious illness or dies while in facility care.

Mich Admin Code, R 400.4159.

Provides requirements on youth restraint.

Emergency Rules of the Department of Health and Human Services entitled "Prohibition of Prone Restraint; Procedures Involving Other Restraints in Child Caring Institutions", 2020 Mich Reg 14 (August 15, 2020), p 206.

POLICY CONTACT

Juvenile Justice managers and supervisors may submit policy clarifications to: Juvenile-Justice-Policy@michigan.gov.